



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) .No.8038 of 2017

and

Cr1.M.P. (MD)No.5469 of 2017

M.Chithra Mohanraj

: Petitioner

-Vs-

1. The Sub-Inspector of Police,
Eppodumvendran Police Station,
Tuticorin District.
(Crime No.13 of 2017).

2. Mr.V.Saravanakumar

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the First Information Report in Crime No.13 of 2017 dated 02.02.2017 on the file of the first respondent for offences under Sections 419, 420, 465, 468 and 471 of the Indian Penal Code and quash the same as illegal as against the petitioner.

For Petitioner : Mr.Pandidurai,

For Mr.T.Lajapathi Roy

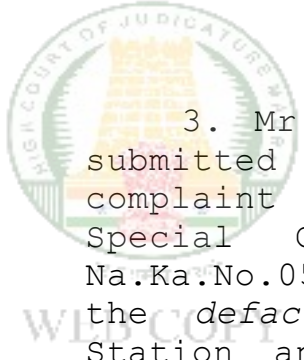
For Respondent No.1: Mr.K.Anbarasan,

Government Advocate (Crl.side)

O R D E R

On the complaint lodged by Saravanakumar, the respondent police have registered a case in Crime No.13 of 2017 on 02.02.2017, under Sections 419, 420, 465, 468 and 471 of the Indian Penal Code against Chithra Mohanraj and her husband T.R.Mohan Raj, for quashing which, the petitioner is before this Court.

2. It is the case of Saravanakumar that the property in question measuring 2 Acres and 60 Cents in Survey No.45/2 at Ethilappanayakanpatti Village belongs to his mother Varatharajammal and Varatharajammal died on 26.09.1993 and that the accused had set up an imposter as Varatharajammal and had obtained a sale deed dated 15.07.1999 in their favour as if it was executed by Varatharajammal. Hence, the First Information Report.



3. Mr.Pandidurai, learned counsel appearing for the accused submitted that the *defacto* complainant had earlier given a complaint to the Sub-Inspector of Police, Anti Land Grabbing Special Cell, Tuticorin and the same was enquired in Na.Ka.No.05/GDP/ep.nkh.j.gp/2017 and the same was closed. Again the *defacto* complainant approached the Eppodumvendran Police Station and have managed to have a First Information Report registered against them. Mr.Pandidurai, learned counsel further submitted that Varatharajammal died only after 15.07.1999, but, whereas, in order to set up a false claim against the petitioner, Saravanakumar had approached the learned Judicial Magistrate under the provisions of the Tamil Nadu Registration of Births and Deaths Act stating that Varatharajammal had died on 26.09.1993 and has obtained an order to that effect. In other words, it is the submission that after obtaining an order form the Judicial Magistrate under the provisions of the Tamil Nadu Registration of Births and Deaths Act to the effect that Varatharajammal had died on 26.09.1993, Saravanakumar had lodged the present complaint in order to get back the property illegally.

4. Per contra, the learned Government Advocate (Criminal side) refuted the allegations.

5. This Court gave its anxious consideration to the rival submissions.

6. In **H.C.P.No.3043 of 2014, W.P.(MD)No.420 of 2017 and Crl.O.P.(MD)No.3868 of 2016 [P.Duraisamy vs. The State]** decided on **13.04.2017**, a Division Bench of this Court has observed that thousands of petitions have been filed in various Magistrate Courts in Tamil Nadu under the Tamil Nadu Registration of Births and Deaths Act and orders have been obtained for collateral purposes like setting up of claim of juvenility in criminal cases, raising property disputes, etc. Perhaps, this case could also be one such. However, it is the duty of the police to enquire whether Varatharajammal really died on 26.09.1993 or that Saravanakumar has obtained a false certificate in order to re-claim the property from the accused.

7. In the opinion of this Court, the Inspector of Police, Eppodumvendran Police Station may not be in a position to investigate a case of this nature, as the said Police Station is essentially a law and order police station. Therefore, this Court directs the transfer of investigation to the District Crime Branch. The Inspector of Police, Eppodumvendran Police Station, is directed to hand over the Case Diary in Crime No.13 of 2017 to the District Crime Branch, Tuticorin. The District Crime Branch, Tuticorin, shall conduct a thorough investigation and if it is found that Saravanakumar had obtained a Death Certificate by misrepresentation, action should be taken against him.



8. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Sub-Inspector of Police,
Eppodumvendran Police Station,
Tuticorin District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Inspector of Police,
Eppodumvendran Police Station,
Tuticorin District.
4. The District Crime Branch,
Tuticorin.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate, SR No. 62934.

SML

PSM/MR-KKR/SAR1/07.07.2017/3P/6C

Order made in
CRL.O.P. (MD) .No.8038 of 2017
Dated: 29.06.2017